



October 28, 2020

Seema Verma, Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244

**RE: Enforcement Discretion of the Interoperability and Patient Access Final Rule**

Dear Administrator Verma:

The Association for Community Affiliated Plans (ACAP) and the Alliance of Community Health Plans (ACHP) respectfully request that CMS utilize discretion in the enforcement of the Interoperability Final Rules.

ACAP is a national trade association representing 78 not-for-profit Safety Net Health Plans (SNHPs). Collectively, ACAP plans serve more than 20 million people through Medicaid, Medicare, the Exchanges, and other publicly-supported coverage programs. Our mission is to support our member plans' efforts to improve the health and well-being of people with low incomes and with significant health care needs.

ACHP is a national leadership organization bringing together innovative health plans and provider groups that are among America's best at delivering affordable, high-quality coverage and care. The non-profit, provider-aligned health plans that are ACHP members provide coverage in all lines of business for more than 22 million Americans across 35 states and the District of Columbia.

ACAP and ACHP reiterate our support and appreciation of the Administration's initiatives to make it easier for individuals to access and use their health information. We fully support the necessary steps to implementing interoperability within health care systems and we appreciate the Administration's recent delay of enforcement deadlines in response to the COVID-19 pandemic.

While we are continued supporters of this next phase in electronic health information exchange, we maintain our original views that these steps need to be done thoughtfully and with sufficient time to ensure that payers and providers are able to map and aggregate all patients data and establishing private and secure data exchange pathways. The COVID-19 pandemic has required health plans to reallocate staff and resources to ensure a robust response during this crisis. In addition, the varied and continuous COVID-19 crisis and the complexity of implementing the interoperability rules create significant challenges. As such, we strongly urge CMS to utilize discretion in enforcement and extend the compliance timeframe another six months.



ACAP and ACHP appreciate your ongoing efforts to ensure the health care industry has the appropriate resources to comply with the interoperability and patient access regulation. We appreciate your consideration of our recommendation to utilize discretion or extend the enforcement timeframe for the CMS Interoperability and Patient Access Final Rule. If you have any questions or need for additional information, please contact:

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Alliance of Community Health Plans  
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Sincerely,

A handwritten signature in black ink that reads "Margaret Murray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Margaret Murray, CEO  
ACAP

A handwritten signature in black ink that reads "Ceci Connolly". The signature is cursive and elegant, with a long vertical stroke at the end.

Ceci Connolly, CEO and President  
ACHP